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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,186	01/31/2001	Rabindranath Dutta	AUS920000819US1	4497

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International Business Machines Corporation  
Intellectual Property Law Department  
Internal Zip 4054  
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EXAMINER
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WOZNIAK, JAMES S

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/773,186

Applicant(s)

DUTTA ET AL.

Examiner

James S. Wozniak

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. In response to the office action from 7/26/2004, the applicant has submitted an amendment, filed 10/26/2004, arguing to traverse the art rejection based on the limitations regarding an indication noting whether: a further translation will be made, an automatic translation was used, or a text is a draft translation, and translating given changes to an initial level of a national language version using a lower quality translation (*Amendment, Pages 6 and 11*). The applicant's arguments been fully considered, but are moot in view of the new grounds of rejection in view of Tou (*U.S. Patent: 5,384,702*) and Redpath (*U.S. Patent: 6,347,316*).
2. The requirement for formal drawings in the previous office action is withdrawn as moot because the Office no longer makes a distinction between formal and informal drawings.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-5** are rejected under 35 U.S.C. 102(e) as being anticipated by Redpath (U.S. Patent: 6,347,316).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With respect to **Claim 1**, Redpath discloses:

Determining an initial level of the native language version of the document (*timestamp, Col. 7, Lines 27-40*).

Translating the initial level of the native language version into at least one National Language version having a high quality taking a first amount of average time per word (*creating a new perfect translation file utilizing a human translator, Col. 6, Lines 35-39*);

Translating given changes to the initial level into the at least one National Language version using a lower quality translation and taking a second amount of average translation time per word less than the first amount of average translation time per word (*if an original document version newer than a translated previous version of the document exists, performing a machine translation, Col. 7, Lines 36-40*);

Indicating, using an indication in the at least one National Language version at least one of: that the indicated text is not to be regarded as the final translated text, and a further

translation of the lower quality translation will be made available at a later time (*filenames used to indicate whether a translation is a perfected version, Col. 7, Lines 22-26*).

First delivering the document with the given changes in the native language and in the at least one National Language having the indication (*Col. 7, Lines 36-40*).

With respect to **Claim 2**, Redpath recites:

The high quality translation results from a manual translation process and the lower quality translation process is void of the manual translation process (*human and machine translation, Col. 7, Lines 17-20*).

With respect to **Claim 3**, Redpath discloses:

The high quality translation results from an automatic translation process and a manual translation process, and the lower quality translation results from only an automatic translation process (*human translator enhanced and machine translation, Col. 7, Lines 17-20*).

With respect to **Claim 4**, Redpath recites:

Determining an initial level of the native language version of the document (*timestamp, Col. 7, Lines 27-40*);

Translating the initial level of the native language version into at least one National Language version using an automatic translation tool and manual translation (*creating a new perfect translation file utilizing a human edited machine translation, Col. 6, Lines 35-39*);

Translating given changes to the initial level into the at least one National Language using initially only the automatic translation tool (*if an original document version newer than a translated previous version of the document exists, performing a machine translation, Col. 7, Lines 36-40*);

Indicating in the at least one National Language version that a further translation of the automatically translated changes will be made available at a later time (*indication of a machine translation, timestamp, and saving a the machine translation for future use, Col. 7, Lines 14-40 and Col. 3, Lines 30-42*);

First delivering the document with the given changes in the native language and in the at least one National Language having the indication (*Col. 7, Lines 36-40*).

With respect to **Claim 5**, Redpath recites:

Manually translating the automatic translation of the given changes; and delivering the document with the given changes manually translated at a time later than the first delivery (*newer perfected translation of a machine generated translation, Col. 8, Lines 11-18, and Col. 6, Lines 32-39*).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 6 and 7** are rejected under 35 U.S.C. 102(b) as being anticipated by Tou (*U.S. Patent: 5,384,702*).

With respect to **Claims 6 and 7**, Tou recites:

Means for receiving text in a first language (*Col. 4, Lines 1-5*);

Means for automatically translating the received text into translated text (*machine translation, Col. 3, Line 67- Col. 4, Line 5*); and

Means for inserting an indication associated with the translated text indicating at least one of i) that a further translation will be made a different time, ii) that the associated text was translated using automatic translation, iii) that the associated text is a draft translation (*marker inserted to indicate that an additional further translation is necessary, Col. 3, Lines 1-15, Col. 4, Lines 28-34, and Col. 7, Lines 4-12*).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tou.

With respect to **Claim 8**, Tou teaches the translation method utilizing a marker used to indicate that a further translation is necessary, as applied to Claim 7. Tou does not specifically suggest method implementation as a program on a computer readable medium, however, the examiner takes official notice that it would have been obvious to one of ordinary skill in the art, at the time of invention, to store the translation method taught by Tou as a program on a computer readable medium to increase method compatibility and usability by providing a means for method use with multiple computer systems.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Lakritz (U.S. Patent: 6,526,426)- teaches a method that notifies a user of document updates that require translation.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (703) 305-8669 and email is James.Wozniak@uspto.gov. The examiner can normally be reached on Mondays-Fridays, 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached at (703) 305-4827. The fax/phone number for the Technology Center 2600 where this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 306-0377.

James S. Wozniak  
1/31/2005



DAVID L. OMETZ  
PRIMARY EXAMINER